

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA, <i>ex rel.</i> THOMAS McARTOR and KEITH RAMSEY,)
)
Relators/Plaintiffs,)
v.)
ROLLS-ROYCE CORPORATION,)
)
Defendant.)

**ROLLS-ROYCE CORPORATION'S MOTION PURSUANT TO RULES 12(B)(1) AND
12(B)(6) TO DISMISS THE SECOND AMENDED COMPLAINT FOR LACK OF
SUBJECT MATTER JURISDICTION AND FAILURE TO STATE A CLAIM**

Defendant Rolls-Royce Corporation (“Rolls-Royce” or “Defendant”), by and through its counsel, hereby moves to dismiss Count I of the Second Amended Complaint (Dkt. 75) on the grounds that (1) there is no subject matter jurisdiction over Relator Ramsey’s claims under the “first to file” rule in 31 U.S.C. 3730(b)(5), *see* Fed. R. Civ. P. 12(b)(1), and, moreover, (2) no claim is alleged with the requisite particularity under Fed.R.Civ.P. 9(b), *see* Fed. R. Civ. P. 12(b)(6). For the reasons set forth in the brief and supporting documents filed contemporaneously with this motion, Rolls-Royce requests that the Court grant this Motion and dismiss the Count I of the Second Amended Complaint.¹

WHEREFORE, Rolls-Royce Corporation respectfully moves the Court to dismiss Count I of the Second Amended Complaint.

¹ Rolls-Royce is answering McArtor’s meritless retaliatory discharge claims in Counts II and III.

December 9, 2011

Respectfully submitted,

/s/ Jeff M. Barron

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ATTORNEYS FOR ROLLS-ROYCE CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the following counsel; parties may access this filing through the Court's system.

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